

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--------------------------|---|------------------------|
| BOGDAN LIZAK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 08-C-1930 |
| |) | |
| GREAT MASONRY, INC., and |) | Judge Coar |
| KRZYSZTOF MENDYS, |) | Magistrate Judge Nolan |
| |) | |
| Defendants. |) | |

DEFENDANTS' MOTION TO DISMISS COUNT VI OF THE COMPLAINT

Defendants, Great Masonry, Inc. ("Great Masonry") and Krzysztof Mendys ("Mendys"), through counsel, John J. Lynch of the law firm of James L. Kopecky, P.C., hereby request that this honorable Court enter an Order dismissing Count VI of the Complaint pursuant to FRCP 12(b)(6) for failure to state a claim upon which relief can be granted.

Count VI purports to state a claim for common law retaliatory discharge in violation of Illinois public policy. Said claim is preempted by, *inter alia*, the Illinois Whistleblower Act, 740 ILCS 174/1 *et seq.*

WHEREFORE, Defendants respectfully request that this honorable Court enter an Order dismissing Count VI of the Complaint or, alternatively, setting a briefing schedule on this Motion, and grant such other relief as this Court may deem just and appropriate.

July 14, 2008

Respectfully submitted,

Great Masonry, Inc. and Krzysztof Mendys

By: s/John J. Lynch

James L. Kopecky, P.C.
190 S. LaSalle Street, Suite 850-A
Chicago, Illinois 60603
Ph: (312) 380-6553
IL ARDC No. 6225509

John J. Lynch
One of Defendants' attorneys